

REMARKS

The Office Action has objected to the drawings as failing to comply with 37 CFR 1.84(p)(4) because reference characters “126” and “130” have both been used to designate storage, and reference characters “12” and “13” have both been used to designate receiver. Respectfully, Applicant points out that the controller 124 of Figure 1 is different than the controller 128 of Figure 12, and accordingly storage 126 and storage 130 are different. Therefore it is necessary and appropriate that storage 126 and storage 130 are separately referenced. Furthermore, consistent with the above, receiver 12 is a different receiver than receiver 13. Therefore, it is also necessary and appropriate that receiver 12 and receiver 13 are separately referenced.

Claims 1-18 are pending in the present application. Claims 1, 5, 7, 8, 9, and 15-18 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Fritsch (US 2002/0124258). Claims 2-4, 6, 7, and 10-14 have been rejected under 35 U.S.C. § 103(a) as being obvious over Fritsch in view of Thompson (US 2002/0188955), Baumgartner (US 2002/0174433), and Graham (US 2003/0184598). Claims 1, 8-9, 16, and 18 have been amended. Claims 15 and 17 have been cancelled. In view of the amendments above and remarks below, reconsideration is respectfully requested.

Claims 1, 5, 7, 8, 9, and 15-18 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Fritsch. In light of the above amendments, Applicants respectfully traverse this rejection.

Independent claims 1, 8-9, 16, and 18 have been amended to recite transitioning from time-shifted multimedia data to real-time multimedia data when the difference between the time-shifted time stamp and real-time time stamp is smaller than a predetermined threshold. This transitioning

can occur when the time-shifted data catches up to the real-time data, for example, through a fast-forwarding operation on the time-shifted data. In contrast to the present invention, Fritsch does not disclose such a feature. See Pars. [0015], [0048], [0053], and Figures 5 and 6. As such, Fritsch does not disclose every limitation claimed in amended claims 1, 8-9, and 15-18, and therefore does not anticipate those claims. Claims 5 and 7 depend from claim 1, therefore, those claims are not anticipated by Fritsch.

For these reasons, withdrawal of the rejection of claims 1, 5, 7, 8, 9, 16, and 18, as being anticipated by Fritsch, is respectfully requested.

Claims 2 and 10 have been rejected under 35 U.S.C. § 103(a) as being obvious over Fritsch in view of Thompson. Claims 6 and 13 have been rejected under § 103(a) as being obvious over Fritsch in view of Baumgartner. Claims 3, 4, 7, 11, 12, and 14 have been rejected under § 103(a) as being obvious over Fritsch in view of Graham. As discussed above, amended claims 1, 8, 9, 16, and 18 are not anticipated by Fritsch. The Thompson, Baumgartner, and Graham references do not cure the fundamental deficiencies of Fritsch as described above. Therefore, even if Fritsch and any of these references were combined, the combination does not read on any of these dependent claims. Withdrawal of the rejection of these dependent claims on the basis of the combination of Fritsch and the aforementioned references is therefore respectfully requested.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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